



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, November 10, 2008, at 7:00 p.m.

### **1. Call to Order/Roll Call**

The meeting was called to order at 7:01 p.m.

The following were present:

Mayor Billy Bain  
Councilman Bob Best  
Councilman Paul C. Dotson  
Councilman Xavier Garcia

Absent:

Vice Mayor Rob Youngs

Also Present:

City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
Chief of Police Peter G. Baan  
Finance Director Leacroft E. Robinson  
City Clerk Magalí Valls

### **2. Invocation:** Councilman Best offered the invocation.

**Salute to the Flag:** The audience participated.

### **3. Awards & Presentations:**

#### **3A) Consideration of Implementing Letterbox Plan in Miami Springs**

Martin Crossland of 900 Plover Avenue explained that letterboxing is a treasure hunt combined with a walking tour and puzzle solving hobby. A box is hidden somewhere in a public place and inside the box a stamp, notebook and directions are placed. The person looking for the letterbox has a notebook and a stamp and when the box is found, the person stamps his or her notebook with the stamp inside the box. Then they stamp his or her stamp on the notebook in the box. Letterboxers can go online to check [www.letterboxing.org](http://www.letterboxing.org) for more information.

Mr. Crossland stated that the hobby started in 1854 in Dartmore when a tour guide would leave bottles on the moors giving hints where they were with his card. Eventually, people would leave self addressed letters and that is how the idea began. In 1998, letterboxing began in the United States after an article was published in the Smithsonian magazine and since that time there are more than 400 letterboxes in the State of Florida.

Mr. Crossland informed Council that he created a letterbox for Miami Springs. There are two walks in the City. He asked for Council approval to set up the boxes in Miami Springs.

Councilman Dotson endorsed the idea, which he would like to introduce to the Recreation Commission.

Mayor Bain offered to contact the school principals to see if the students would like to participate.

#### **4. Open Forum:**

##### **Ecology Board**

Martin Crossland stated that he is a member of the Ecology Board who meets on a regular basis in spite of the fact that there are only three board members. He hopes that Mayor Bain and Vice Mayor Youngs will find someone to fill the vacant positions.

##### **Swimming Pool**

Dr. Mel Johnson of 109 South Royal Poinciana Boulevard stated that closing the swimming pool until June would save almost \$200,000 during this difficult economic situation since he has information from a personal source that there are only six residents using the pool.

Dr. Johnson said that a swim meet was held during the weekend and the pool was closed to the public for swimming. He asked if there are contracts with the organizations and other schools that use the pool and about the liability issue.

Assistant City Manager Gorland clarified that there are twenty-eight kids on the swim team and 50% are Miami Springs' residents. He suggested that Dr. Johnson should check with the City to obtain the correct information.

Councilman Garcia urged Dr. Johnson to submit his requests for information to the Administration.

##### **Recycling**

Dr. Johnson was concerned that there were 750 people who attended the swim meet and there was no recycling available.

City Manager Borgmann responded that the County is embarking on a brand new recycling system and once the City receives the new roll out containers they will be available at all facilities in the City.

Councilman Dotson mentioned that the Ecology Board made a recommendation to Council to implement a rain barrel program. He recalled that Council voted 4-1 to proceed with a program under the supervision of the Ecology Board and since that time they have had problems because the Board is not fully staffed. He would like to make some progress by working together without animosity.

Councilman Best applauded the Ecology Board for their accomplishments. He said that the City Manager addressed the issues and there is a movement to have a professional speak to Council and head the program in the right direction.

**5. Approval of Council Minutes:**

**5A) 10/28/2008 – Regular Meeting**

Minutes of the October 28, 2008 Regular Meeting were approved as written.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried unanimously on voice vote.**

**6. Reports from Boards & Commissions:**

**6A) 08/07/2008 – General Employees' Retirement System – Minutes**

Minutes of the August 7, 2008 General Employees' Retirement System meeting were received for information.

**6B) 08/07/2008 – Police Officers and Firefighters' Retirement System – Minutes**

Minutes of the August 7, 2008 Police Officers and Firefighters' Retirement System meeting were received for information.

**6C) 10/22/2008 – Education Advisory Board – Minutes**

Minutes of the October 22, 2008 Education Advisory Board meeting were received for information without comment.

**6D) 10/28/2008 – Ecology Board – Rescheduling Notice**

Rescheduling Notice of the October 28, 2008 Ecology Board meeting was received for information without comment.

**6E) 10/30/2008 – Ecology Board – Minutes**

Minutes of the October 30, 2008 Ecology Board meeting were received for information without comment.

**6F) 11/04/2008 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the November 4, 2008 Code Enforcement Board meeting was received for information without comment.

**6G) 11/18/2008 – Education Advisory Board – Rescheduling Notice**

Rescheduling Notice of the November 18, 2008 Education Advisory Board meeting was received for information without comment.

**6H) 11/03/2008 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the November 3, 2008 Zoning and Planning Board meeting was received for information without comment.

**6I) 11/05/2008 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the November 5, 2008 Architectural Review Board meeting was received for information without comment.

**6J) 11/12/2008 – Golf and Country Club Advisory Board – Cancellation Notice**

Cancellation Notice of the November 12, 2008 Golf and Country Club Advisory Board meeting was received for information without comment.

**6K) 11/03/2008 – Approval of Actions Taken by the Board of Adjustment at their Meeting of 2008, Subject to the 10-day Appeal Period**

Actions taken by the Board of Adjustment at their meeting of November 3, 2008 were approved subject to the 10-day appeal period.

**Councilman Best moved the item. Councilman Garcia seconded the motion which was carried unanimously on roll call vote.**

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Councilman Dotson commented that the minutes of the Police and Fire and General Employees Retirement Systems are both verbatim and follow the same format.

City Manager Borgmann explained that both boards meet simultaneously. The financial advisor addresses both boards and when there is a major difference it is pointed out to the respective board.

Councilman Dotson noticed that both boards had annual audit reports and there are references to the Standard and Poor Index. He asked how much the two pension funds had lost in the last three months.

Chief of Police Peter G. Baan, who is a member of the Police Officers and Firefighters' Retirement System, stated that for Fiscal Year 2007/2008 the Police and General Employee Pension funds lost approximately 12.5% to 12.8% and another 10-11% since October 1, 2008. As of October 1, 2007, the Police and Fire pension plan was 106% funded and the General Employees plan was close. He explained that it is normal for most plans to have an unfunded liability, which the City has not had in twenty years.

To answer Councilman Dotson's question, Chief Baan said that the 23.9% decline would be equivalent to approximately \$4 million. The Police pension fund was up to \$23 million and dropped to \$19 million, while the General Employees pension fund was \$15 million and dropped to \$13.5 million. He assured Council that there is no immediate crisis.

City Manager Borgmann commented that historically the market had moved up and down with slow declines and slow build ups and the financial advisor said that because of how fast the market declined, he expects it to go up as fast as it came down. He said that one person handles the investments for the plans and there is another company that watches over what happens with the funds. Compared to other pension plans in the Country, the City's plans are in the upper 10% in many categories.

To answer Councilman Dotson's question, Chief Baan stated that the Police employees share the excess cost with the City. Contributions for the City and the employees will go up in October 2009, based on the October 2008 numbers. There is a formula for the contributions, which are averaged over a five-year period. He explained that there is a quarterly report showing how the fund is performing and the investment manager provides a report showing the exact gains, losses and fund balance.

City Manager Borgmann and Chief Baan offered to provide a copy of the quarterly reports for both funds.

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**7. Public Hearings:**

None.

**8. Consent Agenda:**

**8A) Approval of the City Attorney's Invoice for October 2008 in the Amount of \$10,389.50**

There was no discussion regarding this item.

**Councilman Best moved the item. Councilman Garcia seconded the motion which was carried unanimously on roll call vote.**

**9. Old Business:**

**9A) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Second Amendment to the FY2008-2009 Budget; Providing for an Increase in the Law Enforcement Trust Fund Budget Within the City Special Revenue Fund Budget; Finding the Appropriateness of the Budgetary Amendment Set Forth Herein; Effective Date**

City Attorney Jan K. Seiden read the resolution by title.

Finance Director Leacroft E. Robinson stated that the second amendment to the Fiscal Year 2008-2009 budget is for the purchase of the two hybrid police vehicles that Council approved at the last meeting.

**Councilman Dotson moved the item. Councilman Best seconded the motion which was carried unanimously on voice vote (Resolution No. 2008-3418).**

**9B) Appointments to Advisory Boards by the Mayor and Council Members**

None.

**9C) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the Proper Officers and Officials of the City to Execute an Agreement Between the City of Miami Springs and Miami-Dade County for the City to Receive Funding for GOB Project Number 59-70591/City Community Center Project; Directions to City Clerk; Effective Date**

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that there is one correction to the resolution in the fourth “Whereas” clause changing the contribution of \$1,520,000 to \$3,520,000. The Interlocal Agreement is attached as Exhibit “A”, which is the document that the City and contractors would have to abide by in the Community Center project, which also has a similar change from \$1,520,000 to \$3,520,000.

Attorney Seiden explained that the resolution gives proper authorization to City personnel to execute the contract and the budget is an exhibit to the Interlocal Agreement showing the funding sources.

To answer Councilman Dotson’s question, Finance Director Robinson stated that the exhibit lists the milestones and the tentative budget for the entire Community Center project, which outlines the funding portions from the General Obligation Bond (GOB) and other related funding sources.

Councilman Dotson stated that he is reluctant to approve the resolution without a contract with Link Construction in place.

City Attorney Seiden explained that the contract was revised and forwarded to Link on Wednesday, November 5<sup>th</sup>.

City Manager Borgmann responded that Link does not have any problems with the changes, but there are a few points that they would like to discuss by the end of this week. He said that the contract could be presented to Council at a Special Meeting or at the November 24<sup>th</sup> Regular Council meeting.

To answer Councilman Dotson’s question, City Attorney Seiden said that a number of changes were made and some warranty assurances were added to the contract. The agreement would be an exhibit to the Link contract and they must abide by the terms of the contract the same as if they were the City. The fact that there is an April 30, 2010 ending date is probably far more than needed.

Finance Director Robinson said that the County is looking for the best estimate on the project and it must be moved forward as soon as possible in order to be able to encumber funds and draw from those funds as needed. The City can always amend the budget and the time lines with the County as necessary.

**Councilman Garcia moved to adopt the resolution as amended. Councilman Best seconded the motion which was carried unanimously on roll call vote (Resolution No. 2008-3419).**

## **10. New Business:**

### **10A) Resolution – A Resolution of the City Council of the City of Miami Springs Applying for the Designation of Miami Springs as a *Preserve America* Community; Effective Date**

City Attorney Jan K. Seiden read the resolution by title.

City Manager Borgmann stated that the Historic Preservation Board dealt with this issue more than one year ago and it was never brought to Council. Grant Writer Carol Foster discovered the information and has been working with the Board appointee to prepare the *Preserve America* documentation. The resolution from the City Council is one piece of the information that must go forward as part of the application.

**Councilman Best moved the item. Councilman Garcia seconded the motion which was carried unanimously on roll call vote (Resolution No. 2008-3420).**

#### **10B) Consideration of Allowing Employees Covered by the 401A Plan to Purchase Health Insurance Upon Retirement**

City Manager Borgmann stated that he previously brought this item to Council for discussion and consideration of allowing employees covered by the 401A Plan to purchase health insurance upon retirement.

City Manager Borgmann explained the three positions covered by contract are the City Manager, Assistant City Manager and Finance Director who are in the 401A Plan instead of the General Employees Pension System. It is very rare that a person in one of these positions will reach retirement age with the same particular governmental unit.

Currently an employee in the General Employees plan may file for a normal retirement at age 62 with five years in the plan or at any other time when the employee's age and years of service total 75, according to Mr. Borgmann. His recommendation would be to allow any 401A participant, now and in the future, upon meeting the same age and service retirements of the General Employee pension plan to purchase health insurance the same as a normal retiree of the plan is allowed. This would be at 100% of the employee's expense, contingent upon the fact that the separation of the 401A employee was under amicable conditions and not a termination for cause.

To answer Councilman Dotson's question, City Manager Borgmann said that having older people in the health insurance plan who tend to have medical problems could increase the insurance premium based on history and experience. The good point is that Medicare is available at age 65.

Councilman Dotson commented that he would like to set a minimum age level to qualify people for the benefit.

City Manager Borgmann felt that the Rule of 75 would provide a comfort level. There is a gap between retiring and Medicare coverage. He was thinking of future employees and others that might need it, and not necessarily thinking about himself. It could also be a good idea as an employment incentive.

**Council directed the City Attorney to draft an ordinance reflecting the proposals made by the City Manager.**



## **10C) Meetings of Advisory Boards**

City Manager Borgmann suggested combining those advisory boards that have a similar function such as Golf and Recreation, Ecology and Parks and Parkways and Architectural and Historic Preservation. He knows that it is difficult finding qualified people to serve on the advisory boards and combining the boards could provide a better chance for the boards to meet on relevant topics.

City Manager Borgmann added that combining boards could help the City Clerk in scheduling secretarial assistance for those boards. He is only presenting an idea for consideration and approval would require a new ordinance redefining the board's duties and responsibilities.

Councilman Best stated that when the idea was presented he was not in favor because the boards allow many citizens to participate in City government, unless the number of members on the board is increased. He felt that there is logic in the City Manager's recommendation.

Councilman Best said that relative to the cost, numerous meetings are cancelled because there are not many issues to discuss. He credited the Ecology Board for their efforts to implement recycling measures. He felt that Recreation and Golf should stand on their own, especially with the upcoming projects for the Community Center and the Golf Course irrigation system.

Councilman Dotson suggested reviewing the minutes of the board meetings or observing their actions to see if something frivolous is happening. He likes the idea of involving the citizens, some of which use membership as a stepping stone to experience what it would be like to be an elected official. He said that the Recreation and Golf Advisory Board members are two different types of people in terms of background. The Ecology Board has lacked leadership or direction until recently and now they have introduced interesting prospects to develop for the benefit of the City.

Councilman Dotson would be disappointed by taking action to reduce the number of boards through consolidation or taking arbitrary steps to say that they would only meet at the instruction of Council. He would like to increase the emphasis on the advisory boards.

Councilman Garcia said that consolidating the Board of Parks and Parkways and Ecology Board would not decrease participation if the number of members were increased. The current financial situation is difficult and reducing the amount of overtime or compensation time paid to the secretaries is essential.

Councilman Garcia said that some boards cannot meet due to lack of participation and it is difficult to find residents who are willing to serve. He would like the Ecology Board to meet every month, even if it means combining the three members with the Board of Parks and Parkways so that they could discuss more ecological issues. He would be in favor of merging these two boards.

Councilman Garcia would not mind combining the Golf Advisory Board and the Recreation Commission. He felt that golfers should make decisions about golf, but they should meet only when Council has an issue that deserves their recommendation. If there are no issues to discuss, perhaps they could meet once a quarter to discuss new ideas to propose to Council. Individual board members, as residents, can bring their ideas to Council members who can direct the board to meet.

City Attorney Seiden stated that if there were a consensus of Council to combine boards, his recommendation would be to issue a directive whereby the two boards would be requested to meet together for a certain amount of time as one board, making joint decisions without dissolving their separate individual functions. This could be done as an experimental process. He felt it would be a bad idea to dissolve the boards and create something without giving it a chance to see how it works.

Councilman Best explained that he is the Council liaison to the Recreation Commission and if there are no issues to discuss they do not meet upon the advice of the Chairman. Some form of regulation might fix the problem without merging boards. He agrees with Councilman Dotson regarding the amount of expertise the board members have who bring great ideas to Council. He looks forward to reading the minutes of the Education Advisory Board as they do a great job.

Mayor Bain commented that he could understand combining the Board of Parks and Parkways and the Ecology Board, but in his opinion the other boards should stand on their own. He gives the board members credit for their service to Council and the community without compensation. He knows it is frustrating for the boards when they bring forth good ideas and funding is not always available.

Mayor Bain would like to continue discussing this matter and place the item on the next agenda.

City Manager Borgmann stated that some ideas can be handled by Staff, but it is a problem when the boards have an idea and they come to him to take action, which is not the way the system works. Board recommendations that pass by a majority vote are brought to Council and if Council agrees, direction is given to the Administration to follow up and investigate the cost and staff time involved.

City Attorney Seiden mentioned that the best example is the Golf Course Advisory Board. Over the past few years there was work they wanted done, they discussed the matter thoroughly, brought their recommendation to Council and after research, the recommendation was approved by Council. It is important for the boards to understand that they only make recommendations and the final direction is given by Council. A minor matter can be handled by the City Manager but any program with significance must come to Council.

City Manager Borgmann agreed that the Golf Course Advisory Board is a perfect example because they brought forth the recommendation for the new greens, which was thought to be a \$2 million expense and they found a way to do it for under \$150,000.

**The item was tabled until the next meeting so that a full Council is present.**

## **11. Other Business:**

None.

## **12. Reports & Recommendations:**

### **12A) City Attorney**

#### **ADA Lawsuit**

City Attorney Seiden reported that he met with the attorney representing the City in the ADA lawsuit who thought that the matter would be settled without litigation. She will take steps to get in touch with fellow defendants and a response is due at the end of November.

### **12B) City Manager**

#### **Veteran's Day**

City Manager Borgmann reminded everyone that Tuesday, November 11<sup>th</sup> is Veteran's Day and to keep all Veterans in mind because they served the Country well.

#### **Swim Meet**

City Manager Borgmann stated that the swim meet that was held over the weekend was probably the largest meet held at the pool and the team did an excellent job. With the exception of the GMAC meet, the teams bid on the meets and if there is no team here, there will not be any swim meets. Closing the pool during the winter months will mean that the team will leave. He added that holding the swim meets at the pool is a great way to showcase the City.

### **12C) City Council**

#### **Veteran's Day**

Councilman Best wished everyone a happy Veteran's Day.

#### **Hialeah Hospital Proclamation**

Councilman Best announced that on Wednesday, November 12<sup>th</sup> he will be delivering a proclamation on behalf of Mayor Bain to Hialeah Hospital in recognition of the opening of their new operating room.

## **Swim Meet**

Councilman Dotson asked if a financial statement would be prepared for the recent swim meet, including labor costs, etc.

Assistant City Manager Gorland stated that the Administration is working to set up a system to provide the financial information showing direct costs and benefits to the City for various events.

## **Annexation**

Councilman Dotson stated that Council discussed the data analysis for annexation a few meetings ago and he asked for the Police Department worksheets.

City Manager Borgmann reported that Mayor Bain would attend an annexation meeting with the other cities on Wednesday, November 12, 2008. The November 24<sup>th</sup> agenda will include annexation as a discussion item at which time the information will be provided and a representative from the Department of Environmental Resources Management (DERM) will speak. The City Attorney will provide information on the legal aspects of annexation and the Interlocal agreements.

City Attorney Seiden stated that Medley City Attorney Mel Wolfe asked the County for the type of information that the City is looking for, including the final numbers they are proposing to the cities for mitigation. He has not seen a reply yet and hopefully he will have that information for the Interlocal Agreement.

Councilmember Dotson asked for the information that is available prior to the next meeting.

## **Congratulations**

Councilman Garcia stated that congratulations are in order for newly elected officials, including United States President Elect Barak Obama, State Representative Erik Fresen and Congressman Lincoln Diaz-Balart. He congratulated the residents who were very passionate about the candidates. The day after the election everything was back to normal with everyone wanting what is in the best interest of the community and the United States.

City Manager Borgmann took the opportunity to remind everyone to take down their campaign signs within ten days after the election.

## **Police Benefit**

Mayor Bain congratulated Programs Supervisor Patricia Bradley and the Recreation Department Staff for their help in planning a flag football benefit to help the family of a Police Officer who passed away.

## **Breast Cancer Awareness**

Mayor Bain reported that there was good participation at the Breast Cancer Awareness event.

### **13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 8:23 p.m.

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Billy Bain  
Mayor

### **ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as written during meeting of: 11/24/2008.

Transcription assistance provided by S. Hitaffer